

IN RE: PETITION FOR ADMIN. VARIANCE
N/S Avers Court, 25' W of the
c/l of Knollcrest Road
(2 Avers Court)
8th Election District
3rd Councilmanic District

Michael D. Stern, M.D., et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 98-491-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Michael D. Stern, M.D., and his wife, Constance J. Stern. The Petitioners seek relief from Section 1A00.3.B.3 (RDP) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 41 feet in lieu of the required 50 feet for a proposed 25' x 20' addition to the existing dwelling. The subject property and relief sought are more particularly described on the site plan submitted with the Petition filed which was accepted and marked into evidence as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R.

ORDER RECEIVED FOR FILING

Date

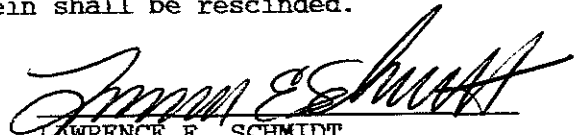
By

Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of July, 1998 that the Petition for Administrative Variance seeking relief from Section 1A00.3.B.3 (RDP) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 41 feet in lieu of the required 50 feet for a proposed 25' x 20' addition to the existing dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 7/22/98
By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

July 22, 1998

Dr. & Mrs. Michael D. Stern
2 Avers Court
Reisterstown, Maryland 21136

RE: PETITION FOR ADMINISTRATIVE VARIANCE
N/S Avers Court, 25' W of the c/l of Knollcrest Road
(2 Avers Court)
8th Election District - 3rd Councilmanic District
Michael D. Stern, M.D., et ux - Petitioners
Case No. 98-491-A

Dear Dr. & Mrs. Stern:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Chris Lambros, Icon Construction
6360-E S. Hanover Road, Elkridge, Md. 21075

People's Counsel

✓ File





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at #2 AVERS CT, REISTERSTOWN MD
which is presently zoned RCS

This Petition shall be filed with the Dept. of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1 A00.3B.3 (ZD) TO ALLOW A REAR YARD SETBACK
OF 41' IN LIEU OF THE REQUIRED 50'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

- 1) TO ALLOW CONSTRUCTION OF 25'X20' ADDITION TO HOUSE RETIRED PARENTS.
- 2) HOUSE AND SEPTIC SITUATED SUCH THAT OTHER LOCATION ARE NOT PRACTICAL.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s)

(Type or Print Name)

Signature

(Type or Print Name)

Signature

#2 AVERS CT 410 252 4361 (H)
Address 410 Phone No 613 8734 (W)

REISTERSTOWN MD 21136
City State Zipcode

Name, Address and phone number of representative to be contacted

CHRIS LAMBROS (100N CONST)
Name

2360 E S. HAMOVER RD 410 796-7025
Address Phone No

ELK RIDGE MD 21075

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: CAM DATE: 26 June 98

ESTIMATED POSTING DATE: 5 July 98

Printed with Soybean Ink
on Recycled Paper

ITEM #: 491

98-491-A

ORDER RECEIVED FOR FILING

Date

By

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at #2 AVERS CT
address

REISTERSTOWN MD 21136
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

THIS VARIANCE IS NECESSARY TO ALLOW
CONSTRUCTION OF AN ADDITION TO HOUSE
OUR RETIRED PARENTS. THE HOUSE AND SEPTIC
ARE SITUATED SUCH THAT OTHER LOCATIONS
FOR THIS ADDITION ARE NOT PRACTICAL.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

[Signature]
(signature)
MICHAEL D. STERN
(type or print name)



[Signature]
(signature)
Constance J. Stern
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 12 day of JUNE, 1998, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

MICHAEL D. STERN AND CONSTANCE J. STERN

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief

AS WITNESS my hand and Notarial Seal

JUNE 12, 1998
date

[Signature]
NOTARY PUBLIC

My Commission Expires: 3/1/2001

ORDER RECEIVED FOR FILING

Date

By

98-491-A

491

Zone Description to accompany application for Administrative Variance

Zoning description for #2 Avers Ct.

Beginning at a point on the north side of Avers Court which is 50 feet wide at the distance of 9^{25'} feet west of the centerline of the nearest improved intersecting street, Knollcrest Rd, which is 50 feet wide. Being lot # 17, block B, section 2 in the subdivision Knollcrest Manor as recorded in Baltimore County plat Book #35, Folio #71, containing 38,082 square feet. Also known as #2 Avers Court and located in the 8th election district, 10th precinct.

98-491-A

BALTIMORE COUNTY, MARYI D
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 056167

DATE 26 June 98 ACCOUNT R-001-6150

491
AMOUNT \$ 50.00

RECEIVED FROM: LABROS for STEEN

FOR: #2 Avers Ct

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

98-491-A

PAID RECEIPT

PROCESS ACTUAL TIME

6/26/1998 6/26/1998 09:20:20

REC 4806 CASHIER MJEL MWJ DRAMER

5 MISCELLANEOUS CASH RECEIPT

Receipt #

021317

COR NO. 056167

50.00 CHECK

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

ADJIN

98-491-A

Case No.

Property of CHRIS LAMBROS, ETAL

Date of Posting 7/20/98

Baltimore County Department of
Permits and Development Management
County Office Building Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Starnes

Ladies and Gentlemen:

This letter is to certify under the provisions of the laws and regulations required by law
were posted conspicuously on the property located at #2 AVERS CT.

The sign(s) were posted on

7/1/98

Signed:

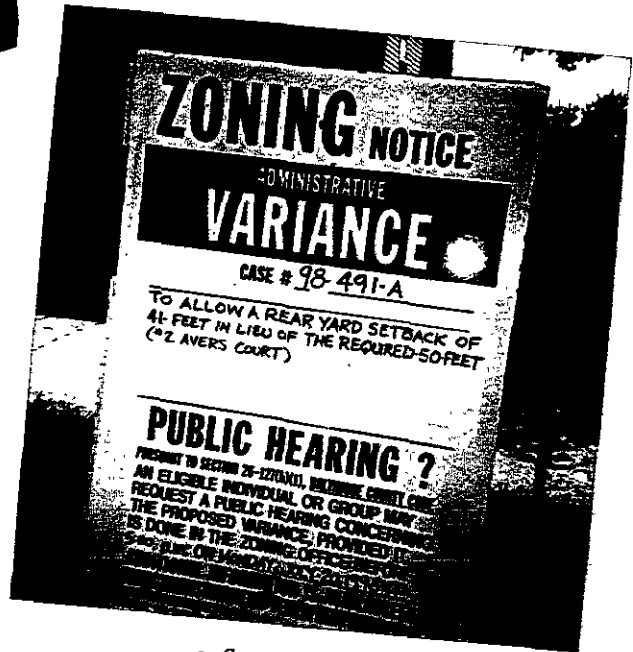
Patrick M. O'Keefe 7/2/98
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE
(Address)

HUNT VALLEY, MD. 21030
(City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571
(Telephone Number)



98-491-A
CHRIS LAMBROS
796-7025

P-7-1-98

CL 7/20/98



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 491

Petitioner: Michael & Constance Stern

Location: #2 AVERS CT REISTERSTOWN MD 21136

PLEASE FORWARD ADVERTISING BILL TO:

NAME: ICON CONSTRUCTION : ATTN : CHRIS LAMBROS

ADDRESS: 777 6360 E S-HANOVER RD

ELK RIDGE MD 21075

PHONE NUMBER: (410) 796-7025

AJ:ggs

(Revised 09/24/96)

98-491-A

491

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 98- 491 -A Address 2 Avers Ct

Contact Person: KATE MILTON Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 26 June 98 Posting Date: 5 July 98 Closing Date: 20 July 98

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 98- 491 -A Address #2 AVERS Ct

Posting Date: 5 July 98 Closing Date: 20 July 98

Wording for Sign: VARIANCE
To Permit ALLOW A REAR YARD SETBACK of
41' in lieu of the Required 50'



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

July 16, 1998

Mr. Chris Lambros
Icon Construction
6360 S. Hanover Road
Elkridge, MD 21075

RE: Item No.: 491
Case No.: 98-491-A
Location: 2 Avers Court

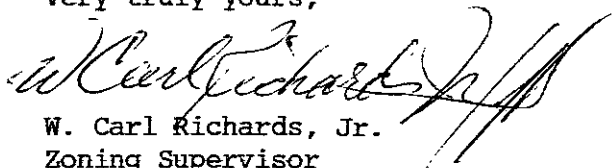
Dear Mr. Lambros:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on July 5, 1998.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,


W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: July 8, 1998

FROM: *RWB* Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for July 13, 1998
Item Nos. 489, 490 and 491

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

DATE: July 2, 1998

FROM: Arnold F. "Pat" Keller, III, Director
Office of Planning

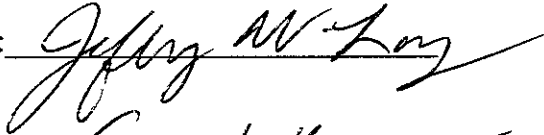
SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petitions (s):

Item No. 491

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

Prepared by:



Division Chief:



AFK/JL



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
(410)887-4880

JULY 2, 1998

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: MICHAEL AND CONSTANCE STERN

Location: DISTRIBUTION MEETING OF JULY 6, 1998

Item No.: 491 Zoning Agenda:

Gentlemen:

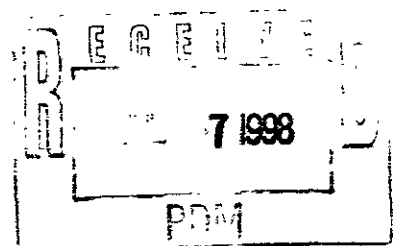
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File





Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 6-30-94
Item No. 491 CAM

Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Thank you for the opportunity to review this item.

Very truly yours,

for

Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

DATE: 7/14/98

To: Arnold L. Jablon
From: R. Bruce Seeley *RSB/98*
Subject: Zoning Item #491

Michael Stern

Zoning Advisory Committee Meeting of July 6 1998

- _____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- _____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
- _____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code.)
- _____ Development of this property must comply with the Forest Conservation Regulations (Sections 14-401 through 14-422 of the Baltimore County Code).
- _____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).
- X Ground Water Management;
- Any bldg. addition must be at least 20 ft. from septic and 30 ft. from well.

BS:sp

83-80-A

Pursuant to the advertisement, posting of property, and public hearing on the petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 11th day of October, 1982, that the herein Petition for Variance(s) to permit a front yard setback of 45 feet in lieu of the required 50 feet and a distance of 70 feet from the centerline of the street in lieu of the required 75 feet, for the expressed purpose of constructing an addition on the west side of the existing improvement, as shown on the site plan filed herein and marked Petitioners' Exhibit 1, which together with the existing carport will constitute a 2-car garage, is hereby GRANTED; from and after the date of this Order, subject, however, to the approval of the aforementioned site plan by the Department of Public Works and the Office of Planning and

[Signature]
Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING

DATE October 11, 1982
BY [Signature]
ADMINISTRATIVE ASSISTANT

BALTIMORE COUNTY

INTER-OFFICE CORRESPONDENCE

TO: Nick Comodari
FROM: Charles E. Burnham
SUBJECT: Zoning Advisory Committee Meeting of July 6, 1982

ITEM NO. 1	See Compend
ITEM NO. 2	See Compend
ITEM NO. 3	See Compend
ITEM NO. 4	Withdrawn
ITEM NO. 5	See Compend
ITEM NO. 6	See Compend
ITEM NO. 7	Standard C
ITEM NO. 8	See Compend
ITEM NO. 9	See Compend
ITEM NO. 10	Standard C
ITEM NO. 11	See Compend
ITEM NO. 12	Standard C

98-491-A

491

Section 200
 Mail Stop
 No. 1000

VIRG & ZONING

Filing this

ING
 RE COUNTY
 83-80-A

Date of Posting Sept 3, 1982

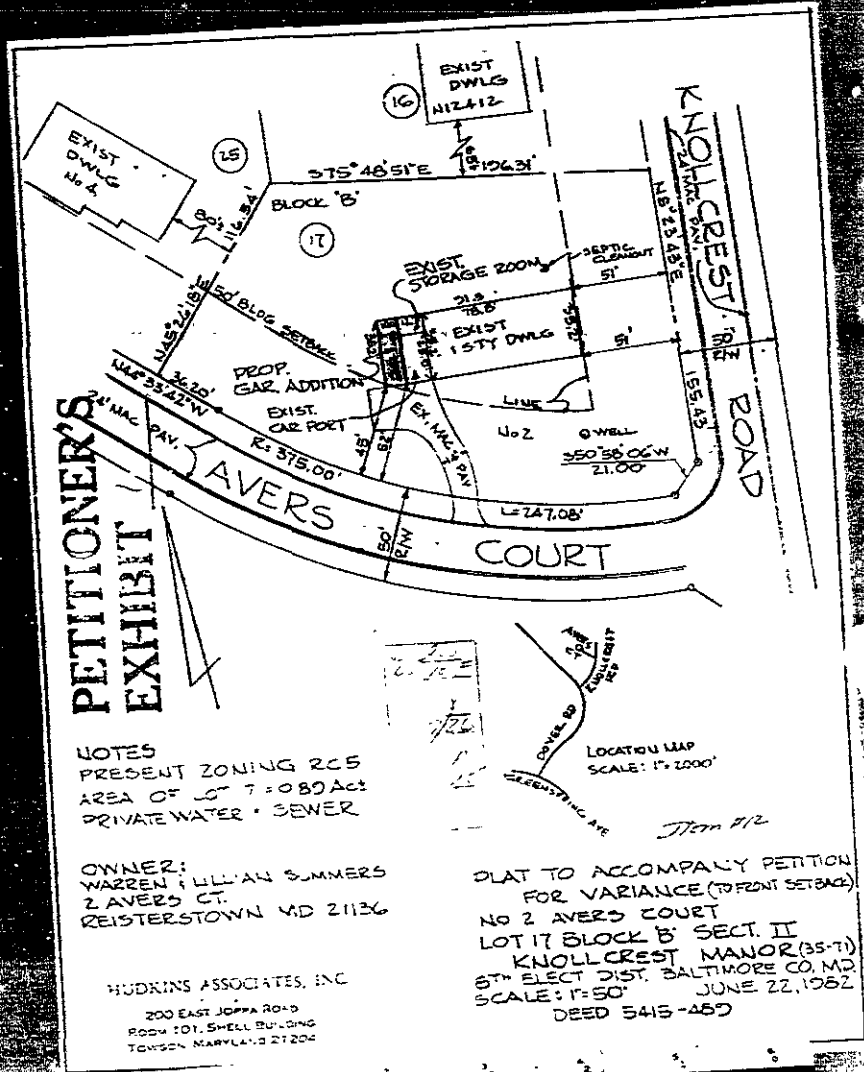
Knollcrest Road

Knollcrest Road

return Sept 10, 1982

ESS SHEET

Substrate		Tracing		200 Sheet	
by	date	by	date	by	date



VIRG & ZONING

THE

Check

Noting Summary per

Plat to accompany Petition for Zoning Variance

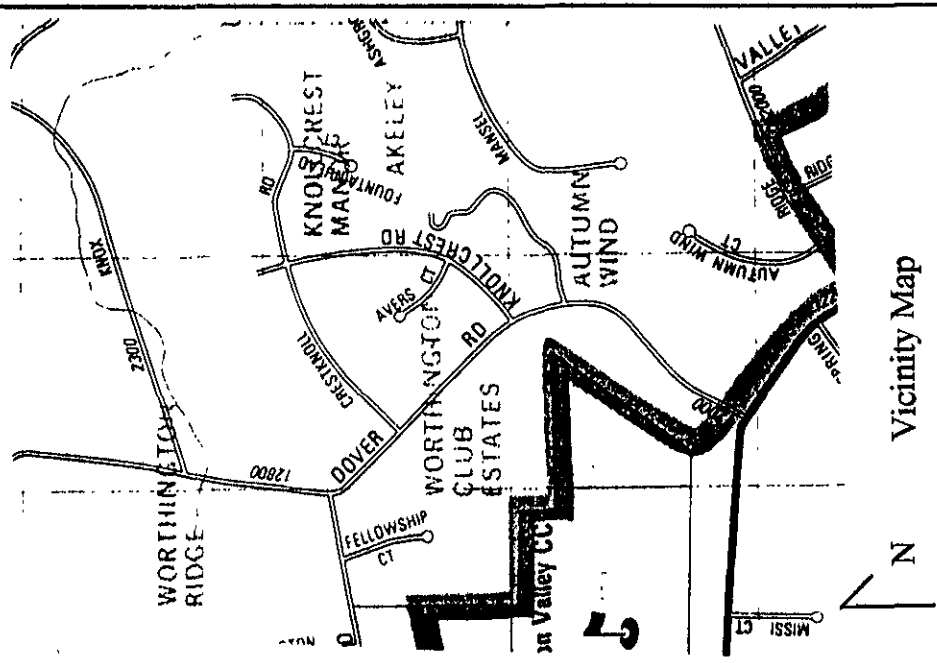
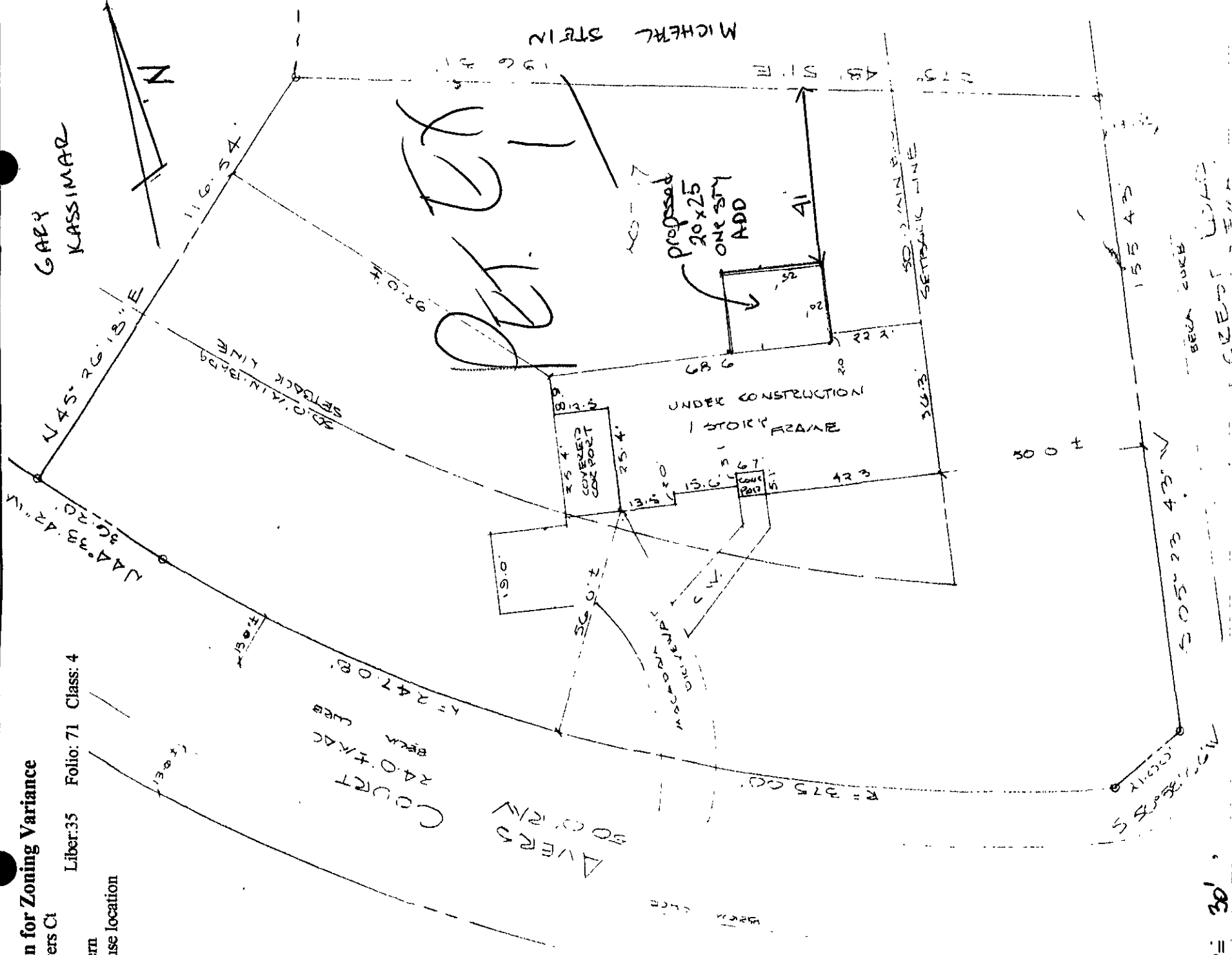
PROPERTY ADDRESS : #2 Avers Ct

Subdivision : Knollcrest Manor

Owners : Micheal & Connie Stern

Note: See 200' scale map for house location

Liber:35 Folio: 71 Class: 4



Location Information

District: 8

Councilmatic District: 3

1"=200' scale map: NW 16F

Zoning: RC 5

Lot Size: 0.87 acreage 38,082 square feet

Sewer: Private

Water: Private

Chesapeake Bay Critical Area: No

Prior Hearings : 83-80-A

Zoning Office USE ONLY

Reviewed by:

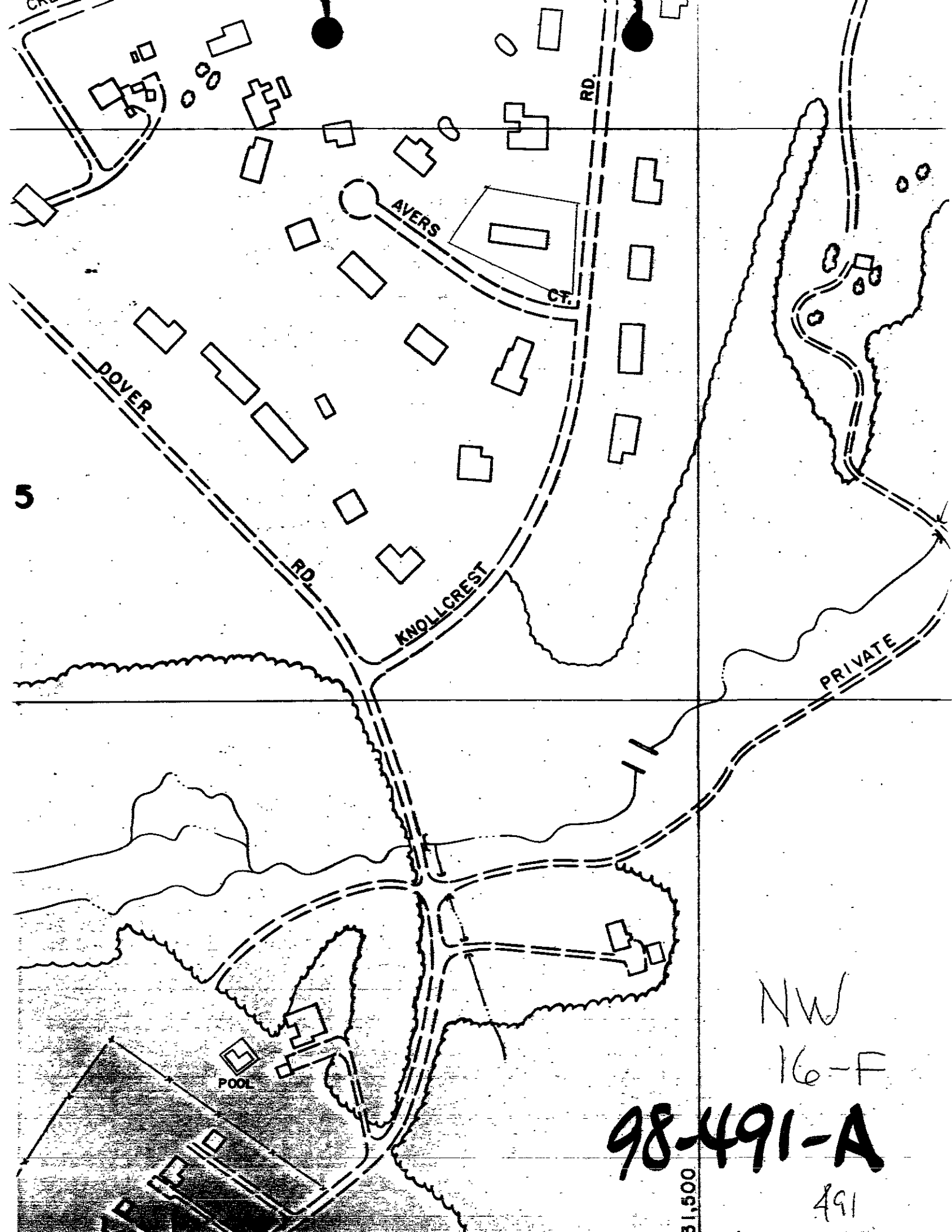
Case#

Date: 6/25/98 Scale 1"= 30'

Item#

491

98-491-A



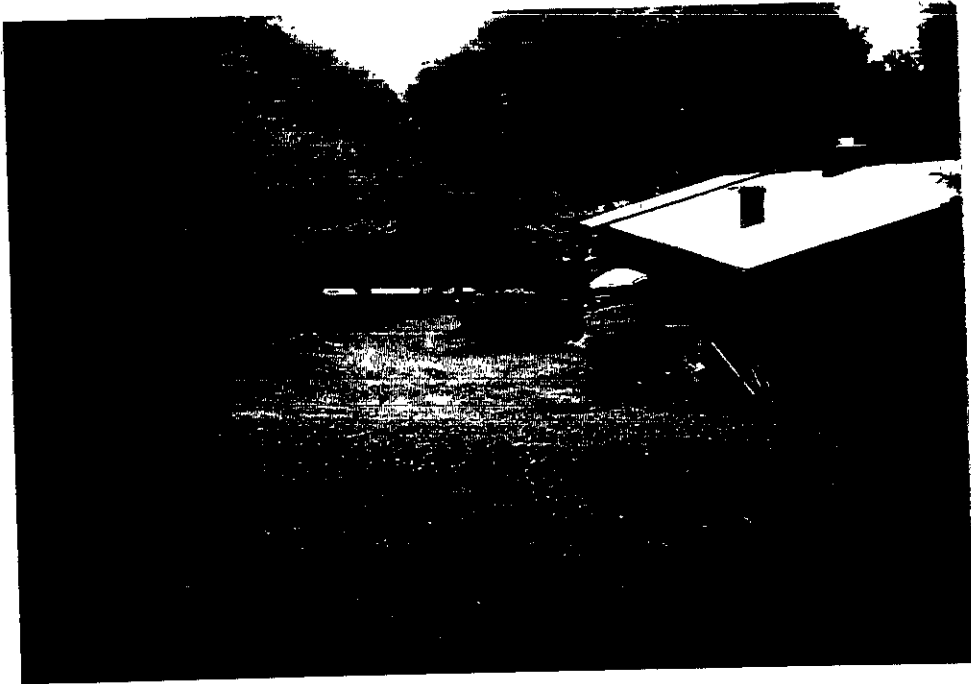
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NW
16-F

98-491-A

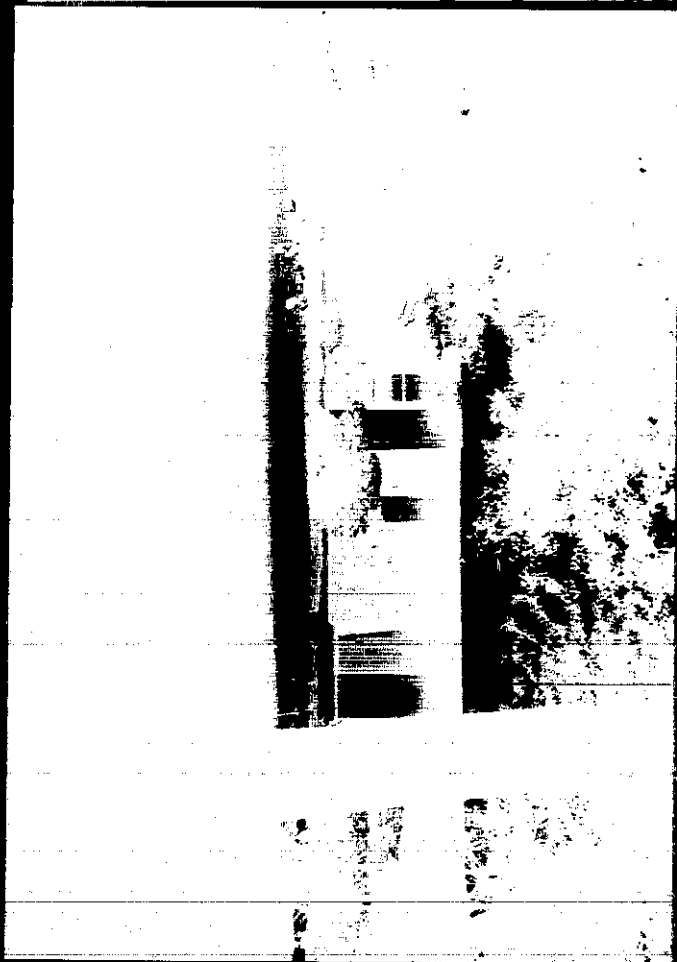
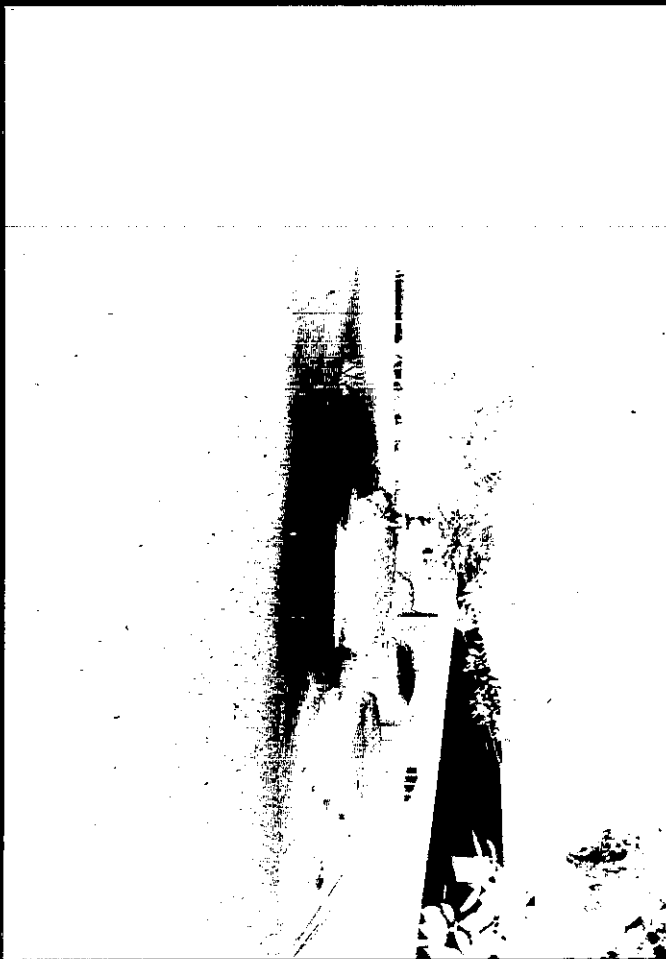
491

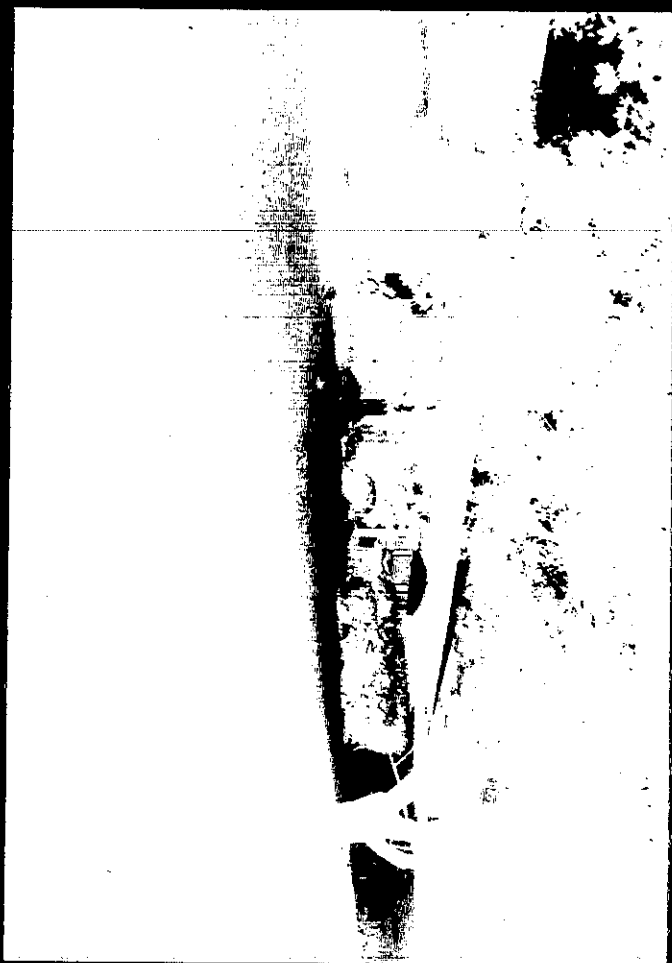
31,500



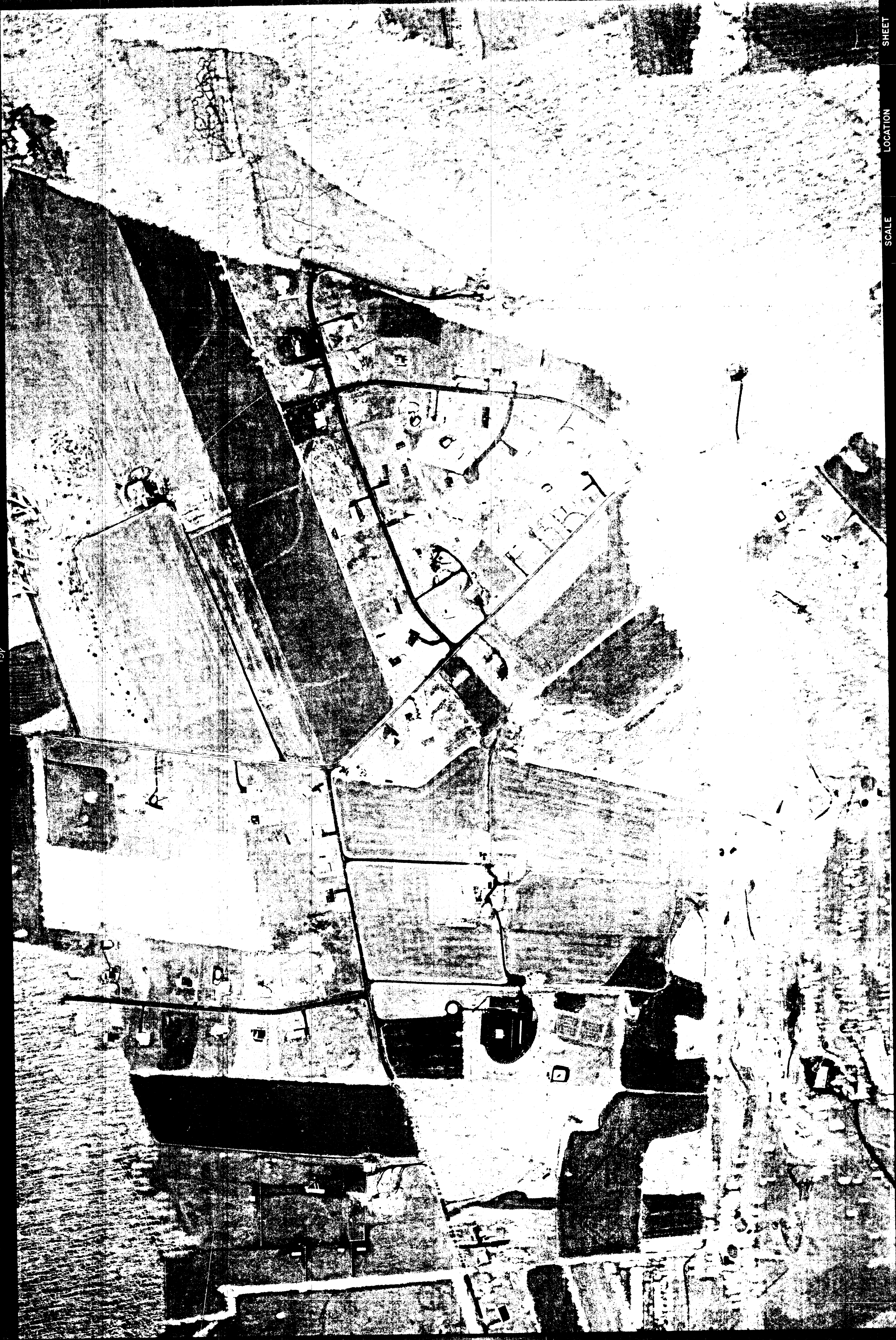
98-491-A

98-491-A





98-491-A



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	NORTH OF CHESTNUT RIDGE	N W 16-F
DATE OF PHOTOGRAPHY JANUARY 1986		